

*file*



**Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

---

In the Matter of the Application for a Driver  
Instructor's License Filed by Richard Starry

Case No. 98-H-1115

---

**FINAL DECISION**

Richard Starry applied for renewal of his driver instructor's license. By letter dated January 25, 1999, the Wisconsin Department of Transportation denied the application. By letter dated January 27, 1999, the Wisconsin Department of Transportation requested the Division of Hearings and Appeals to conduct a hearing to review the denial. Pursuant to due notice a hearing was held on March 5, 1999 at Madison, Wisconsin. Mark J. Kaiser, Administrative Law presided.

In accordance with secs. 227.47 and 227.53(1)(c), Stats., the PARTIES to this proceeding are certified as follows:

Wisconsin Department of Transportation, by

Attorney Frederick G. Wisner  
Office of General Counsel  
P. O. Box 7910  
Madison, WI 53707-7910

Richard J. Starry  
2508 Betty Court  
Green Bay, WI 54301

No appearance

The Administrative Law Judge issued a proposed decision on March 22, 1999. No comments on the proposed decision were received. The proposed decision is hereby adopted as the final decision in this matter.

## FINDINGS OF FACT

The Administrator finds:

1. Richard Starry is an adult resident of Wisconsin. By application dated December 4, 1998, Richard Starry applied for renewal of his driver instructor's license.
2. The application filed by Mr. Starry contains a physician's certification indicating that Dr. Joseph Dobson examined Richard Starry within ninety days of the date of the application and that he believes that the applicant is physically and mentally capable to act as a driver instructor.
3. In response to an inquiry from the Department of Transportation, Bureau of Driving Services (Department), Jeane Davis, office manager for Dr. Dobson, informed the Department that the physician's certificate on Mr. Starry's application was probably forged. The items which led Dr. Dobson's office to this conclusion are set forth in a letter dated December 29, 1998, and include:
  - A. The clinic has no record of an appointment for Mr. Starry on or around December 4, 1998.
  - B. The physician's certificate on the application identifies Dr. Dobson as an M.D. Dr. Dobson is a D. O., not an M.D.
  - C. The telephone number listed on the certification is not the telephone number and has never been the telephone number of Dr. Dobson's clinic.
  - D. The signature on the certification is not Dr. Dobson's signature and, according to Ms. Davis, Dr. Dobson signs D.O. after his name.
  - E. According to Ms. Davis, when an exam is done of any sort and there are forms to be filled out, it is the practice of the clinic that any information is typed or printed on the forms. Dr. Dobson does not write in cursive to fill in blanks on forms.
4. By letter dated January 25, 1999, the Wisconsin Department of Transportation denied the application of Richard Starry for renewal of his driver instructor's license. The reason for the denial was that Richard Starry made a material false statement on the application.

## CONCLUSIONS OF LAW

The Administrator concludes:

1. Pursuant to sec. 343.67(1), Stats., the secretary of the Department of Transportation may deny the renewal of an application of a person for a driver instructor's

license if the person has made a material false statement on an application for the renewal of the license.

2. The forging of the physician's certification on the application for renewal of Richard Starry's driver instructor's license constitutes a material false statement in connection with the renewal application.

3. The Division of Hearings and Appeals has the authority pursuant to secs. 343.69 and 227.43(1)(bg), Stats., to issue the following order.

ORDER

The Administrator orders:

The denial by the Department of Transportation of the application of Richard Starry for the renewal of his driver instructor's license is affirmed.

Dated at Madison, Wisconsin on April 15, 1999.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
5005 University Avenue, Suite 201  
Madison, Wisconsin 53705  
Telephone: (608) 266-7709  
FAX: (608) 267-2744

By: \_\_\_\_\_

DAVID H. SCHWARZ  
ADMINISTRATOR